THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No.5146 of 2006

ORDER:

The case of the petitioners is that the first petitioner is the owner and the possessor of the land bearing S.No.34/2 admeasuring 742 Sq.Yards equivalent to 620.31 Sq.Mtrs, with 4 rooms, 2 sheds and 30 R.C.C. Pillars situated at Bum Rukundowla Village, Revenue Mandal Rajendernagar, Ranga Reddy District, having purchased the said land under registered Sale Deed dated 5-7-1990 for a valuable consideration from Mohd.Hafeezur Rahman S/o.M.A.Raoof and Smt.Farhat Fatima who in turn purchased the same under the registered sale deed dated 2-7-1986. The 2nd petitioner is the owner and possessor of the land bearing S.No.34/1 and 2 to an extent of 350 Sq.Yards equivalent to 292 Sq.Mtrs to the property of the first petitioner and the second petitioner purchased the said land under an agreement of sale deed dated 5-9-1992 executed by D.Pratap Reddy.

It is stated that the compound wall, which was constructed around the property, is situated within the purview of the Municipal Corporation of Hyderbaad. It is further stated that the respondent without following due procedure prescribed under law and without issuing further notice are threatening to dispossess the petitioners property.

The Deputy Executive Engineer and the Assistant Engineer of the respondent came to the property on 7-3-2006 and tried to erect fence around it and to block their way and thereby interfered with their possession and made attempt to forcibly dispossess them. Hence this Court is of the view that as far as the property of the respondents is concerned it is always open for them to fence their lands but they

cannot dispossess the petitioners from the property without following due procedure prescribed under law. Further, as the petitioners are in possession of the land belonging to HUDA, any competent authority may have to take appropriate steps by issuing notice to the petitioners.

Having regard to the facts and circumstances of the case, the respondent is directed not to dispossess the petitioners from the property in question without following due procedure prescribed under law.

Accordingly, the Writ Petition is disposed of at the stage of admission.

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(V. ESWARAIAH, J)

Dated 21st March, 2006.

Note: Issue CC in three days.

(B/O)

mrb